IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

OP.No. 9367 of 2003(M)

PETITIONER:

M.S.REJITHA, DISTRICT CO-ORDINATOR,
KOLLAM DISTRICT, KERALA STATE OPEN SCHOOL,
RESIDING AT MANIKANDAVILASOM, T.C.41/1330,
MANACAUD, TRIVANDRUM.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.N.NARAYANAN NAIR
SRIRAJAN VELLOTH
SRI.SAIJO HASSAN
SRI.VIMAL KUMAR.A.V.

RESPONDENTS:

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1. THE KERALA STATE OPEN SCHOOL,
THE STATE COUNCIL OF EDUCATIONAL RESEARCH AND
TRAINING, POOJAPPURA, THIRUVANANTHAPURAM,
REP. BY ITS DIRECTOR, SCERT, POOJAPPURA,
THIRUVANANTHAPURAM.

2. THE DIRECTOR,
KERALA STATE OPEN SCHOOL, SCERT,
POOJAPPURA, THIRUVANANTHAPURAM.

BY SR. GOVT. PLEADER SRI. NOBLE MATHEW

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

Petitioner's Exts:

Ext.P1 true copy of the appointment order dated 30.11.1999 appointing the petitioner as Dist. Co-ordinator of Ernakulam Dist.

Ext.P2 true copy of the order dated 5.6.2001 of the 2nd respondent enhancing the salary of the petitioner with retrospective effect.

Ext.P3 true copy of the order dated 28.11.2002 in CmP No.60443/2002 in O.P.No.35743/2002.

Ext.P4 true copy of the modified interim order dated 29.1.2003 in CmP No.60443/2002 in O.P.No.35743/2002.

Ext.P5 true copy of the order dated 9.12.2002 appointing Shri.A.Anshad as the Assistant District Co-ordinator, as an essential post in Kollam District.

Ext.P6 true copy of the memo dated 10.1.2003 issued by the 2nd respondent.

Ext.P7 true copy of the reply dated 20.1.2003 sent by the petitioner.

Ext.P8 true copy of the letter dated 21.5.2002 of the petitioner to the State Co-ordinator of the 1st respondent.

Ext.P9 true copy of the certificate dated 13.11.2002 issued to the petitioner.

V. Giri, J.

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O.P.No.9367 of 2003

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Dated this the 21st day of August, 2007.

JUDGMENT

Petitioner, who was appointed as a District Co-ordinator on 30.11.1999, filed this writ petition inter alia seeking a direction to respondents 1 and 2 to release and disburse the salary and other benefits of the petitioner from the month of November, 2002. Apparently, the second respondent had issued Ext.P6 notice to the petitioner, stating that the petitioner had collected certain amounts from 41 students and misappropriated the same. Ext.P6 requires the petitioner to clear the amounts. Petitioner sent a reply as Ext.P7. As stated above, when the salary was not paid, the petitioner approached this Court with the instant writ petition.

2. When this writ petition came up for hearing, learned counsel for the petitioner submitted that the services of the petitioner as a Co-ordinator had been terminated during the

pendency of the writ petition. He says, nevertheless salary and other benefits have not been paid to the petitioner. Although no proceedings were initiated, Ext.P7 has not been finalised.

3. I heard counsel on both sides.

4. Writ petition is disposed of permitting the petitioner to file a representation before the second respondent reiterating her request for payment of salary and other amounts due to her in relation to the period for which she had rendered services as District Co-ordinator. Such representation may be filed within a period of one month from the date of receipt of a copy of this judgment. The second respondent shall take a decision on the said representation. The second respondent shall also consider whether any amounts are due from the petitioner as stated in Ext.P6. The reply given by the petitioner as Ext.P7 and any other explanation which the petitioner deems it appropriate to offer in the representation to be filed as per this judgment will also be taken into account. Consequential action by way of disbursement of any amount to the petitioner, shall be taken by the second respondent within a period of two months from the date of receipt of a copy of this judgment. Petitioner will be entitled to

such amounts as are due to her by way of salary or any other benefits less any amount found to be due from the petitioner. The determination of the actual amount due will be made by the second respondent after hearing the petitioner on the basis of the representation to be filed by her in the matter aforementioned.

Subject to the above observations, this writ petition is disposed of.

V.Giri,
Judge.

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